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8 BAYER HEALTHCARE PHARMACEUTICALS INC.  
9 and BAYER HEALTHCARE LLC  
10

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 JOE V. SANCHEZ and SANDRA L.  
16 ROARTY-SANCHEZ,,  
17

18 Plaintiffs,  
19

20 v.  
21

22 BAYER HEALTHCARE  
23 PHARMACEUTICALS, INC.; BAYER  
24 HEALTHCARE LLC; GENERAL  
25 ELECTRIC COMPANY; GE  
26 HEALTHCARE, INC.; TYCO  
27 INTERNATIONAL, INC.; COVIDIEN,  
28 INC.; TYCO HEALTHCARE GROUP, LP;  
MALLINCKRODT, INC.; and BRACCO  
DIAGNOSTICS, INC.,

Defendants.

Case No. CV-08-0973 (EMC)

**NOTICE OF PENDENCY OF OTHER  
ACTIONS OR PROCEEDINGS FOR  
DEFENDANTS BAYER  
HEALTHCARE PHARMACEUTICALS  
INC. AND BAYER HEALTHCARE  
LLC**

**[CIV. L.R. 3-13]**

Pursuant to Civil L.R. 3-13, Defendants Bayer HealthCare Pharmaceuticals Inc.,  
and Bayer Healthcare LLC (the "Bayer Defendants") submit the following Notice of  
Pendency of Other Actions or Proceedings:

**Background**

Pursuant to a February 27, 2008 Transfer Order, the Judicial Panel on Multidistrict  
Litigation (the "Panel") ordered the transfer of 24 actions involving gadolinium-based  
contrast agents to the United States District Court for the Northern District of Ohio, MDL

No. 1909, for coordinated or consolidated pretrial proceedings. The instant case also involves claims arising from the alleged administration of gadolinium-based contrast agents and therefore should be transferred to MDL No. 1909 in the Northern District of Ohio. Another defendant, Bracco Diagnostics Inc., has provided notice to the Panel that this case is a potential tag-along case to MDL No. 1909.

**A. Federal Cases Subject to the February 27, 2008 Transfer Order**

One or both of the Bayer Defendants have been served in the following cases that were included in the Panel's February 27, 2008 Transfer Order:

1. *Mary Davis, Individually and as Executrix of the Estate of Rubert L. Davis v. General Electric Company, et al.*, N.D. Ga. (Rome Div.), Case No. 4:07cv00202 (pending transfer to MDL No. 1909).

2. *Jeanetta Deason v. General Electric Company, et al.*, M.D. Tenn. (Nashville), Case No. 3:07cv0619 (pending transfer to MDL No. 1909).

3. *Paul W. Frazier and Margaret E. Frazier v. Bayer Corporation, et al.*, S.D. Ohio (Eastern Div.), Case No. 2:07cv01005 (pending transfer to MDL No. 1909).

4. *Donna Lee v. General Electric Company, et al.*, W.D. Tex. (San Antonio Div.), Case No. 5:07-cv-00825 (pending transfer to MDL No. 1909).

5. *Cynthia Kay Mitchell v. Berlex Labs Inc., et al.*, C.D. Cal. (Eastern Division – Riverside), Case No. 5:07cv00433 (pending transfer to MDL No. 1909).

6. *Beverly Rockwell, Trevor A. Drake v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, N.D. Ohio (Cleveland), MDL No. 1909, Case No. 1:08-gd-50002.

**B. Federal Cases Subject to Conditional Transfer Order No. 1 (MDL No. 1909)**

One or both of the Bayer Defendants have been served in the following cases that are subject to the Panel's Conditional Transfer Order No. 1 (MDL No. 1909), dated March 7, 2008:

1. *Denise Grant v. General Electric Company, et al.*, E.D. Pa., Civil Action No. 2:08-cv-00404 (pending transfer to MDL No. 1909).

2. *John R. Hackett and Juanita J. Hackett v. Bayer Corporation, et al.*, M.D.

1 Flor. (Orlando Div.), Civil Action No. 6:08-cv-29-ORL-31 UAM (pending transfer to  
2 MDL No. 1909).

3 3. *Gregory Key v. General Electric Company, et al.*, E.D. Wis. (Milwaukee  
4 Div.), Civil Action No. 07-C-0986 (pending transfer to MDL No. 1909).

5 4. *Carmel T. Koerber, Executrix of the Estate of Duane N. Koerber v. Bayer*  
6 *Healthcare Pharmaceuticals, Inc., et al.*, D. Conn., Civil Action No. 3:07cv1753  
7 (pending transfer to MDL No. 1909).

8 5. *George Lipscomb and Ruth Ann Lipscomb v. Bayer Corporation, et al.*,  
9 N.D. W. Va., Civil Action No. 5:08-cv-00029 (pending transfer to MDL No. 1909).

10 6. *Ernest Dwight Louderman v. General Electric Company, et al.*, C.D. Ill.,  
11 Case No. 07-cv-03296 (pending transfer to MDL No. 1909).

12 7. *Francis Lydon v. Bayer Corporation, et al.*, N.D. W. Va., Civil Action No.  
13 5:08-cv-00027 (pending transfer to MDL No. 1909).

14 8. *Joann McBride, Individually and as Heir and Personal Representative of*  
15 *Ian Anderson, Deceased, and as Natural Mother of Ian Anderson, a deceased unmarried*  
16 *adult without descendants v. General Electric Company, et al.*, D. Col., 1:08-cv-00047  
17 (pending transfer to MDL No. 1909).

18 9. *Judith Minor as Administratrix of the Estate of Ellsworth D. Minor, Jr. v.*  
19 *Bayer Corporation, et al.*, D. New Jersey, Civil Action No. 1:08-cv-00562 (pending  
20 transfer to MDL No. 1909).

21 10. *Jennifer Newton and Gerald Newton, Jr. v. General Electric Company, et*  
22 *al.*, W.D. New York, Case No. 08-6009 (pending transfer to MDL No. 1909).

23 11. *Billy Parker v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, M.D. La.,  
24 Case No. 3:07cv00826 (pending transfer to MDL No. 1909).

25 12. *Mary R. Reel v. Bayer Corporation, et al.*, N.D. W. Va., Civil Action No.  
26 5:08-cv-00028 (pending transfer to MDL No. 1909).

27 13. *Michelle Rice v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, M.D. La.,  
28 Case No. 3:07cv00776 (pending transfer to MDL No. 1909).

14. *Brian Paul Staples and Melinda Staples, h/w v. General Electric Company, et al.*, D. New Jersey, Civil Action No. 3:07-cv-05942 (pending transfer to MDL No. 1909).

15. *Deena W. Wood as Administratrix of the Estate of Cora Lee Wiles v. Bayer Corporation, et al.*, D. New Jersey, Civil Action No. 1:08-cv-00559 (pending transfer to MDL No. 1909).

**C. Federal Cases Not Yet Subject to a Conditional Transfer Order for MDL No. 1909**

One or both of the Bayer Defendants have been served in the following cases that involve claims arising from the alleged administration of gadolinium-based contrast agents, but are not yet subject to any Conditional Transfer Order for MDL No. 1909:

1. *Michelle Brennan, Individually and as Administrator of the Estate of James Brennan, Deceased v. General Electric Company, et al.*, N.D. Ohio (Eastern District), Case No. 1:08-cv-00318.

2. *Thomas Lis, Individually and as Husband of Laura Lis, Deceased v. General Electric Company, et al.*, W.D. Tenn., Civil Case No. 2:08-cv-02104.

3. *William Paschal and Patricia Paschal v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, N.D. Cal. (San Francisco Div.), Case No. 08-1298.

4. *Sang Walker, Individually and as Wife of James Walker, Deceased v. General Electric Company, et al.*, M.D. Tenn., Civil Case No. 3:08-cv-00172.

**D. State Court Cases**

One or both of the Bayer Defendants have been served in the following state court cases that involve claims arising out of the alleged administration of gadolinium-based contrast agents:

1. *Rebecca Brulewicz, Individually and as Administratrix for the Estate of Norma Mitchell, Deceased v. General Electric Company, et al.*, Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-240-08.

2. *Susan Cox-Harris v. General Electric Company, et al.*, Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-478-08.

1           3.     *Frank Crocitto and Mary Beth Crocitto v. General Electric Company, et*  
 2 *al.*, Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-  
 3 0009-08.

4           4.     *John F. Duffy v. General Electric Company, et al.*, Superior Court of the  
 5 State of Delaware, New Castle County, Case No. 08C-02-268.

6           5.     *Olivia Galloway, in her own right, and as Administratrix of the Estate of*  
 7 *John Charles Galloway, Deceased v. Bayer Healthcare Pharmaceuticals, et al.*, Superior  
 8 Court of New Jersey, Camden County, Docket No. L-2798-07.

9           6.     *Peter Jay Gerber and Miriam Goldberg v. Bayer Corporation, et al.*,  
 10 Superior Court of Cal., County of San Francisco, Case No. CGC-07-468577.

11           7.     *Janet Goldstein v. General Electric Company, et al.*, Superior Court of  
 12 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-719-08.

13           8.     *Paul Gordon, Individually and as Executor of the Estate of his deceased*  
 14 *spouse, Wilma C. Gordon v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, Superior  
 15 Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-329-08.

16           9.     *Bradford Hall, Individually and in his capacity as the Personal*  
 17 *Representative of the Estate of Regina Hall, Deceased v. General Electric Company, et*  
 18 *al.*, Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-  
 19 3987-07.

20           10.    *LaManor Harris and Israel Harris v. Bayer Healthcare Pharmaceuticals,*  
 21 *Inc., et al.*, Superior Court of Cal., County of Los Angeles, Case No. BC 385525.

22           11.    *Beverly Hopson v. General Electric Company, et al.*, Superior Court of  
 23 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0013-08.

24           12.    *George Kelly and Dawn Kelly, h/w v. Bayer Healthcare Pharmaceuticals,*  
 25 *Inc., et al.*, Court of Common Pleas, Delaware County, Pa., Civil Action No. 07-18539.

26           13.    *Carol Moorhouse and James Moorhouse v. Bayer Healthcare*  
 27 *Pharmaceuticals, Inc., et al.*, Superior Court of Cal., County of San Francisco, Case No.  
 28 CGC-08-472970.

1           14.     *Melanie Prado and Carlos Prado v. General Electric Company, et al.*,  
2 Superior Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0012-  
3 08.

4           15.     *Josephine Ingrid Raysor v. General Electric Company, et al.*, Superior  
5 Court of New Jersey, Atlantic County, Law Division, Docket No. ATL-L-236-08.

6           16.     *Antwine Richardson v. General Electric Company, et al.*, Superior Court of  
7 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0014-08

8           17.     *Cary J. Schwanitz, Individually and Gail Schwanitz, Individually, husband*  
9 *and wife v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, Superior Court of New Jersey,  
10 Atlantic County, Law Division, Docket No. ATL-L-4106-07.

11           18.     *Frances Smith-Reed v. General Electric Company, et al.*, Superior Court of  
12 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-0015-08.

13           19.     *Thomas M. Young v. General Electric Company, et al.*, Superior Court of  
14 New Jersey, Atlantic County, Law Division, Docket No. ATL-L-717-08

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17 Dated: March 11, 2008

DRINKER BIDDLE & REATH LLP

18           /S/ Rodney M. Hudson  
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